

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARNOV SANDWICH, INC. and ROY  
DULAL,

Plaintiffs,

-v.-

TRANSPORTATION INSURANCE  
COMPANY,

Defendant.

21 Civ. 8690 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Plaintiffs' letter in response to Defendant's discovery requests. (Dkt. #63). However, Plaintiffs have failed to comply with the Court's February 13, 2023 Order directing Plaintiffs to file a letter regarding their failure to comply with the Court's prior February 2, 2023 Order. (See Dkt. #59, 61). The Court is growing weary of Plaintiffs' failure to comply with its orders. Plaintiffs are directed to file a letter regarding their failure to comply with the Court's February 2, 2023 and February 13, 2023 Orders on or before **February 24, 2023**. Separately, the parties are directed to file a joint letter on or before **February 24, 2023**, noting whether Plaintiffs' second set of submissions are responsive, and, accordingly, are sufficient to render Defendant's January 6, 2023 Motion to Dismiss or, in the alternative, Compel Plaintiffs' Discovery Responses, moot. (See Dkt. #56).

Again, the Court's preference is to resolve cases on the merits. If Plaintiffs cannot comply with Court orders, however, the Court will be forced to dismiss this case. *See Fed. R. Civ. P. 41(b).*

SO ORDERED.

Dated: February 21, 2023  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge